

Appn. No. 10/612,445
Filing Date 07/02/2003
Inventor Magnusson

REMARKS/ARGUMENTS

Claim 15 has been amended to recite a temperature range for the application of moist heat. Support for this range can be found beginning on page 11, line 20 of the specification.

In the final rejection mailed March 29, 2005 in the prior application, claims 15-26 were rejected under 35 U.S.C. §103 as being unpatentable over JP '950 (abstract) in view of Koskineni et al. JP '950 is cited for teaching retort sterilization. Koskineni et al relates to a method of making containers via heat sealing.

It is the Examiner's position that it would be obvious to apply the retort process of JP '950 to the composite structure of Koskineni et al. Applicant respectfully disagrees. Neither reference is directed to maintaining dimensional stability and mechanical strength of a container subject to retorting temperatures.

With respect to claim 20 in particular, the cited references are inconsistent. While Koskineni et al suggests the use of "fiber-based packing material", JP '950 recites a "core gas barrier film" which is an ethylene/vinyl alcohol copolymer. The Examiner fails to explain how these inconsistent teachings can be reconciled or how the hypothetical combined teaching would lead the skilled artisan to applicant's invention.

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In view of the above, the Examiner has failed to establish a *prima facie* case of obviousness, and a Notice of Allowance as to claims 15-26 is requested.

Respectfully submitted,



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